

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**JEROME ROSS and
ERNESTINE ROSS,**

Plaintiffs,

v.

**PROGRESSIVE SPECIALTY
INSURANCE COMPANY,**

Defendant.

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*** CIVIL ACTION NO.: 2:07-cv-792-WKW**

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL
PLAINTIFF TO RESPOND TO DISCOVERY**

COMES NOW, the Plaintiff, Jerome Ross, by and through counsel, and responds to Defendant's Motion to Compel Plaintiff to Respond to Discovery, and respectfully requests this Honorable Court to deny said Motion to Compel, and in support thereof, presents the following:

1. That Defendant's propounded Interrogatories and Request for Production of documents on Plaintiff on February 29, 2008.
2. The Attorney for Plaintiff Jerome and Ernestine Ross withdrew from the case on March 3, 2008.
3. That the Plaintiff, Jerome Ross came to Attorney, Abell's office on April 28, 2008.
4. That on May 1, 2008, Mr. Abell then filed a Notice of Special Appearance and Motion to Amend Complaint with this Court.
5. The Motion was rejected. Plaintiff's lawyer was contacted by the Court Clerk's office that the Motion to Amend was rejected.
6. Plaintiff's lawyer did as instructed and filed a Proposed Amended Complaint.

7. That the Plaintiff's attorney was awaiting the court's decision; and on June 12, 2008, the court granted the Order to Amend the Complaint with a Scheduling Order.
8. That on June 17, 2008 the Plaintiff complied with the Scheduling Order and hand delivered Plaintiff's Response to Defendant's Interrogatories and Request for Production to Defendant's attorney.
9. The Plaintiff has now complied with the Defendant's request for discovery.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff respectfully requests that this Honorable Court deny Defendant's Motion to Compel in this matter.

/s WILLIAM K. ABELL
WILLIAM K. ABELL(ABE001)
Attorney for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing document to all counsel of record, as listed below, by electronically filing, on this the 18th day of June, 2008.

/ s WILLIAM K. ABELL
OF COUNSEL

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